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PETER BENKO and DANIEL CRUZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETER BENKO and DANIEL CRUZ,

Plaintiff,

vs.

CONTRA COSTA COMMUNITY COLLEGE
DISTRICT,

Defendant.

) Case No.: CV-10-04943 JCS

) **STIPULATION AND ~~PROPOSED~~ ORDER DENYING**
) **REQUESTING ADDITIONAL TIME TO**
) **COMPLETE MEDIATION AND**
) **CONTINUANCE OF CASE MANAGEMENT**
) **CONFERENCE**

Plaintiffs PETER BENKO and DANIEL CRUZ (collectively “Plaintiffs”) and defendant CONTRA COSTA COMMUNITY COLLEGE DISTRICT (“Defendant”) submit the following stipulation and proposed order regarding additional time to complete mediation and continuance of the June 10, 2011 case management conference.

STIPULATION

At the initial case management conference on February 11, 2011, Plaintiffs and Defendant requested 180 days to complete mediation. The Court denied this request, ordered mediation to be completed within 120 days, and ordered discovery be limited to written discovery and depositions of the two plaintiffs and two to three key decision makers for defendants.

1 Since that date, the parties have diligently moved forward with this case. Among other
 2 things, the parties have conducted an initial call with the mediator, set a mediation date (June 7,
 3 2011), propounded written discovery, and scheduled four depositions to occur in May 2011.

4 The depositions that have been calendared include the two Plaintiffs, as well as two of
 5 Defendant's decision makers. Plaintiffs and Defendant agree that unless these depositions are taken,
 6 the mediation is unlikely to be successful.

7 In late April 2011, Sundeen Salinas & Pyle, the law firm representing the Plaintiffs, learned
 8 that the associate who was preparing to defend the Plaintiffs' depositions and to take one or more of
 9 the Defendants' depositions, would be resigning effective May 6, 2011. This situation will make it
 10 extremely difficult for Sundeen Salinas & Pyle to complete the noticed depositions prior to the
 11 mediation date.

12 Accordingly, the parties are in agreement that a brief continuance of the mediation completion
 13 date for the sole purpose of completing the discovery previously authorized by the Court and
 14 described above is warranted. The parties hereby jointly request that the mediation completion date
 15 be continued from June 11, 2011, to August 10, 2011. If the Court is amenable to this continuance,
 16 then it may also wish to continue the case management conference that is set for June 10, 2011, at
 17 1:30 p.m., to a date after August 10, 2011.

18 SO STIPULATED

19 Dated: April 28, 2011

SUNDEEN, SALINA & PYLE

/S/

20 By: Hunter Pyle
 21 Attorneys for Plaintiffs
 22 PETER BENKO and DANIEL CRUZ

23 Dated: April 28, 2011

BERTRAND, FOX & ELLIOT

/S/

24 By: Eugene Elliot
 25 Michael Wenzel
 26 Attorneys for Defendant
 27 CONTRA COSTA
 28 COMMUNITY COLLEGE DISTRICT

ORDER

For the reasons set forth in the preceding Stipulation, IT IS HEREBY ORDERED THAT:

The mediation completion date is continued from June 11, 2011, to August 10, 2011.

The case management conference that is set for June 10, 2011, at 1:30 p.m is continued to

_____, 2011, at _____.

IT IS SO ORDERED.

Dated: May 2, 2011

